

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

CORIE GEZO YATES

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: Criminal No. DKC 13-0166

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:

MEMORANDUM OPINION AND ORDER

Before the court is a letter docketed by the Clerk as a motion to reduce sentence filed by defendant Corie Yates, a federal prisoner. (ECF No. 43). The letter requests the court to reduce Defendant's sentence. He reports that he has a job upon release, that he's taken classes, and obtained certifications toward a plumber's license. He wishes to return to his family to help provide for them.

By a judgment entered October 1, 2014, Defendant was convicted, upon his guilty plea, of a felon being in possession of a firearm. The court sentenced Mr. Yates to 57 months imprisonment followed by a three-year term of supervised release. The sentence was not appealed.

Mr. Yates' pending letter requesting a reduction of sentence does not indicate a legal basis, and the court's ability to do so under the circumstances is severely restricted. While Rule 35 provides avenues for sentencing changes based on errors (within 14 days) or "[u]pon the government's motion"

based on a defendant's providing "substantial assistance in investigating or prosecuting another person," neither applies to Mr. Yates. Furthermore, under 18 U.S.C. §3582(c)(2), a court may not modify a term of imprisonment once has been imposed unless statutorily prescribed exceptions apply. Section 3582(c)(2) allows a court to modify a sentence only: 1) upon motion of the Director of the Bureau of Prisons if "extraordinary and compelling reasons" exist; 2) if otherwise expressly permitted by statute or Federal Rule of Criminal Procedure 35; or 3) if the sentencing range is subsequently lowered by the Sentencing Commission. See 18 U.S.C. §3582(c). None of these instances apply to Mr. Yates. Thus, while the court applauds Mr. Yates' rehabilitation efforts, the court is without authority to grant the relief requested.

Accordingly, it is this 19th day of September, 2016, by the United States District Court for the District of Maryland, ORDERED that:

1. Defendant's letter, docketed as a motion to reduce sentence (ECF No. 43) BE, and the same hereby IS, DENIED; and

2. The clerk is directed to transmit this Memorandum Opinion and Order to counsel for the government and directly to Mr. Yates.

/s/

DEBORAH K. CHASANOW
United States District Judge